

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN GILLOCK,	)	CASE NO. 4:16-cv-3190
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SAUNDERS COUNTY, NEBRASKA, a	)	NOTICE OF REMOVAL
Political Subdivision; SAUNDERS	)	AND JURY DEMAND AND
COUNTY CORRECTIONS;	)	REQUEST FOR TRIAL IN
SAUNDERS COUNTY SHERIFF	)	LINCOLN, NEBRASKA
DEPARTMENT, BRIAN STYSKAL,	)	
In his Individual and Official Capacity;	)	
UNKNOWN CORRECTIONAL	)	
OFFICERS, in their individual and	)	
official capacities as correctional	)	
officers in Saunders County,	)	
Nebraska; ADVANCED	)	
CORRECTIONAL HEALTH CARE,	)	
INC. (ACH), a foreign corporation; and	)	
UNKNOWN NURSES, PHYSICIANS,	)	
AND MEDICAL PROVIDERS, in their	)	
individual and official capacities,	)	
	)	
Defendants.	)	

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that the named Defendant Saunders County, Nebraska, hereby removes to this Court the state court action described below.

1. On November 15, 2016, an action was commenced in the District Court of Saunders County, Nebraska, entitled *John Gillock v. Saunders County, Nebraska, a Political Subdivision; Saunders County Corrections; Saunders County Sheriff Department, Brian Styskal, in his individual and official capacity; Unknown Correctional Officers, in their individual and official capacities as correctional officers in Saunders County Nebraska; Advanced Correctional*

*Health Care, Inc. (ACH), a foreign corporation; and Unknown Nurses, Physicians, and Medical Providers, in their individual and official capacities, Case No. CI 16-254. Such action contains several state law claims, and federal civil rights 42 U.S.C. §1983 causes of action.*

2. Defendant County of Saunders, Nebraska, was served via summons to the County Clerk on December 6, 2016. This notice is timely.
3. Brian Styskal and the “Unknown Correctional Officers of Saunders County,” in their individual capacities, have not been properly served as contemplated in 28 U.S.C. §1446(b). Therefore, neither this Court nor the District Court of Saunders County, Nebraska, have jurisdiction over them.
4. A copy of the Complaint, pleadings, and orders received by the undersigned Defendant in the state court action are attached hereto as Exhibit “A.”
5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) and (c), in that it is a civil action involving federal questions arising under the Constitution and law of the United States, although joined by one or more otherwise non-removable state law causes of action, of which this Court may exercise pendent jurisdiction over. Diversity jurisdiction in federal court also exists in this matter, in that Plaintiff asserts he is a resident of Las Vegas, Nevada, Defendant ACH is a corporate entity with its registered office located in the State of Illinois, and Defendant Saunders County, Nebraska, is a political subdivision of the State of Nebraska.
6. In his Complaint at Law, Plaintiff asserts a cause of action under 42 U.S.C. §1983, alleging rights secured under the Eight and Fourteenth Amendments to the United States Constitution that the Defendant unlawfully and with deliberate indifference failed to provide appropriate medical care to Plaintiff while Plaintiff was housed in the Saunders County Jail from December 27, 2014 to February 18, 2015, which caused physical and emotional damages.
7. As required by 28 U.S.C. §1446(b), all Defendants who have been identified and/or served with process in this matter consent to removal:

- a. Defendant County of Saunders, Nebraska, is a legal entity. As a matter of law, the legal entity of the County of Saunders, Nebraska, encompasses Defendant Brian Styskal in his official capacity and any “unknown correctional officers” employed by Saunders County who are alleged to have acted in their official capacities. See e.g. Parsons v. McCann, 138 F.Supp.3d 1086, 1098 (D. Neb. 2015). As a further matter of law, the “Saunders County Sheriff Department,” and “Saunders County Corrections” are not distinct legal entities separate from the County of Saunders, Nebraska itself, although Plaintiff purports to name them as separate Defendants in the Complaint. Id. The County of Saunders, Nebraska, is represented by the undersigned counsel and initiated the removal, thereby demonstrating its consent to the same on its behalf.
- b. The undersigned defense counsel has obtained consent for removal from counsel for the named co-Defendant, Advanced Correctional Health Care, Inc.

**JURY DEMAND AND REQUEST FOR TRIAL IN LINCOLN, NEBRASKA**

8. Defendant respectfully requests trial by jury pursuant to NECivR 81.1 and Fed. R. Civ. P 81(c) on the federal claim(s). Defendant requests that the court exercise pendent jurisdiction over any state law claims. Defendant further requests that trial be had in Lincoln, Nebraska, pursuant to NECivR 40.1(b).

WHEREFORE, the undersigned Defendant prays that this action be removed to the United States District Court for the District of Nebraska and that trial be had on all triable issues in Lincoln, Nebraska.

Dated this 19<sup>th</sup> day of December, 2016.

THE COUNTY OF SAUNDERS,  
NEBRASKA, Defendant,

BY: s/ Vincent Valentino  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served the foregoing by United States regular mail, postage prepaid, to the following recipients:

J. Scott Paul  
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First National Bank Tower, Suite 3700  
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Saunders County District Court Clerk  
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BY: s/ Vincent Valentino  
Vincent Valentino, #14288